

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANDREW KUZNYETSOV, et al., )  
Plaintiffs, )  
vs. ) Civil Action No. 9-379  
WEST PENN ALLEGHENY HEALTH SYSTEM, )  
INC., et al., )  
Defendants. )

AMBROSE, District Judge

**MEMORANDUM ORDER OF COURT**

Currently, there is a Motion pending regarding the extension of the class discovery period. (Docket No. 195). The parties have indicated in correspondence that the filing of motions will continue in this case. I have discussed the need for a special master with the parties previously. (Docket No. 196). The parties have agreed to the appointment of Donald E. Ziegler.

Given my desire to try to keep this case on track and given the indication that motions related to disputes between them will continue, I am persuaded that for the sake of judicial economy, I must appoint a special master to rule upon the pending and all forthcoming discovery and related motions.

Therefore, this 5<sup>th</sup> day of January, 2010, IT IS HEREBY ORDERED that Donald E. Ziegler, Esq. is appointed Special Master pursuant to Federal Rule of Civil Procedure 53.

The Special Master shall provide guidance in resolving discovery disputes, act as a non-binding mediator in an effort to facilitate a settlement of the disputes, and perform such other acts as the parties agree upon and the Court subsequently approves.

The Special Master shall communicate to the Court *ex parte* on all matters as to which he has been empowered to act, except relating to dispositive motions.

The compensation to be paid to the Special Master shall be divided equally between the

parties. If the parties cannot agree on the amount of compensation and costs set by the Special Master, the Court shall set a reasonable compensation and costs for the Special Master.

Additionally, I provide the following guidelines to be strictly adhered to by the parties and the Special Master.

1. All Briefs in Opposition to Motions must be filed within 3 business days of the receipt of the same, unless otherwise ordered by the Special Master.
2. Reply Briefs shall not be permitted, unless otherwise ordered by the Special Master.
3. The Special Master may hold telephonic arguments if he so desires.
4. The Special Master shall rule upon the discovery dispute within 5 business days of the receipt of the last permitted Brief.
5. A party may file an objection to the Special Master's order within 3 business days of the filing of the order, and responses thereto must be filed within 3 business days of the filing of the objection.
6. All Chambers' Rules regarding Motions apply.

With regard to the pending Motion, all issues related to the scope of class discovery and deadlines for discovery, mediation, and a status conference, are referred to the Special Master.

Defendants are to respond to the Motion (Docket No. 195) by January 8, 2010.

BY THE COURT:

s/ Donetta W. Ambrose  
DONETTA W. AMBROSE  
U.S. District Judge